



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,121	04/08/2004	Jeffrey B. Levering	N0389.70009US01	8205
<div>7590 03/27/2007 Randy J. Pritzker Wolf, Greenfield & Sacks, P.C. 600 Atlantic Avenue Boston, MA 02210</div>			<div>EXAMINER BIBBEE, JARED M</div> <div>ART UNIT 2161</div>	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/27/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/821,121

Applicant(s)

LEVERING ET AL.

Examiner

Jared M. Bibbee

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office Action has been issued in response to amendment filed on 17 January 2007. Claims 1-54 are pending. Applicants' arguments have been carefully and respectfully considered in light of the instant amendment and are not persuasive, as they relate to the claim rejections under 35 U.S.C. 102 as will be discussed below. Accordingly, this action has been made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims rejected under 35 U.S.C. 102(b) as being anticipated by Burakoff et al (US 6,122,635).

As to claim 1, Burakoff clearly teaches a computer-implemented method of recording an indication of a source location at which a data element is stored, the method comprising acts of:

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims rejected under 35 U.S.C. 102(b) as being anticipated by Burakoff et al (US 6,122,635).

As to claim 1, Burakoff clearly teaches a computer-implemented method of recording an indication of a source location at which a data element is stored, the method comprising acts of:

- (A) executing a set of programmed instructions to identify the source location, the source location comprising a portion of a file containing the data element (*see column 3, lines 15-28*); and
- (B) storing an indication of the source location in electronic file storage (*see column 3, lines 20-33*).

As to claim 2, Burakoff clearly teaches the limitation of act (A) further comprises executing a software application to identify the source location, wherein the software application employs a parameter defining a characteristic of the data element (*see column 3, lines 46-49; Note that the start and end line markings are parameters that define the start of desired information and the end of desired information.*).

As to claim 3, Burakoff clearly teaches the limitation of the parameter is provided in a data structure which is accessed by the software application (*see column 3, lines 31-37; Note that the file server is the data structure.*).

As to claim 4, Burakoff clearly teaches the limitation of the characteristic comprises text which accompanies the data element within the source location (*see column 3, lines 46-49*).

As to claim 5, Burakoff clearly teaches the limitation of the characteristic comprises text which represents the data element (*see column 3, lines 46-49*).

As to claim 6, Burakoff clearly teaches the limitation of the set of programmed instructions identifies the source location by preliminarily identifying the source location, requesting input from a user as to whether the source location is preliminarily identified correctly, and processing the input to identify the source location (*see column 7, lines 51-67 through column 8, lines 1-14*).

As to claim 7, Burakoff clearly teaches the limitation of the act of processing the input further comprises updating a characteristic of the data element (*see column 8, lines 9-11; Note that the system operator specifies the end number. The end number being a characteristic in that it defines where a item ends.*).

As to claim 8, Burakoff clearly teaches the limitation of the file comprises a plurality of characters including a first character (*see column 3, line*

25; *Note that the start line inherently has a first character.*), and the source location is identified by a number of characters from the first character (*see column 3, line 25-27; Note that the end line is a given number of characters away from the start line's first character.*).

As to claim 9, Burakoff clearly teaches the limitation of the first character is at the beginning of the file (*see column 3, line 25; Note that the start line can be any line within the file and that includes the first line in the file.*).

As to claim 10, Burakoff clearly teaches the limitation of the data structure comprises a plurality of lines of information including a first line of information (*see column 3, line 25; Start Line*), and the source location is identified by a number of lines from the first line of information (*see column 3, line 25-27; Note that the end line specifies the number of lines from the start line is identified as desired text.*).

As to claim 11, Burakoff clearly teaches the limitation of the first line of information is at the beginning of the file (*see column 3, line 25; Note that the start line can be any line within the file and that includes the first line in the file.*).

As to claim 12, Burakoff clearly teaches the limitation of the data structure comprises a plurality of pixels arranged in a grid containing rows and columns (*see column 5, lines 28-31; Note that Burakoff discloses a general purpose computer for carrying out the invention. The computer comprises a display. It is inherent that the display is presenting the files to the user through computer screen and it is also inherent that*

the computer screen is made of rows and columns of pixels.), and the source location is identified by a pixel found at an intersection of a row and a column (Note that since the file is being presented using the display in order for the user to view the identified desired text, it is inherent that the starting line and ending line for the desired text would have a pixel location on the screen.).

As to claim 13, Burakoff clearly teaches the limitation of the method of claim 1, further comprising acts of:

- (C) receiving a request to retrieve the data element *(see column 3, lines 18-21);*
- (D) in response to the request, identifying the indication of the source location *(see column 3, lines 21-26);*
- (E) employing the indication of the source location to retrieve the data element from within the source information *(see column 3, lines 26-28);*
and
- (F) writing the data element to output *(see column 3, line 28).*

As to claim 14, Burakoff clearly teaches the limitation of the act (D) further comprises identifying the indication of the source location by retrieving the indication of the source location from the electronic file storage *(see column 4, lines 14-18 and column 10, lines 10-28).*

As to claim 15, Burakoff clearly teaches the limitation of the act (C) further comprises receiving the request from a user via a graphical user interface (*see column 10, lines 29-45*).

As to claim 16, Burakoff clearly teaches the limitation of the act (F) further comprises writing the data element to an output data structure which is displayed via a GUI to a user (*see column 9, lines 51-53*).

As to claim 17, Burakoff clearly teaches the limitation of the output data structure is provided in a hypertext markup language (*see column 9, lines 30-40*).

The examiner is interpreting the computer-readable medium, according to applicant's specification, as non-volatile recording medium, floppy disk, flash memory, or any other suitable tangible medium. Burakoff clearly teaches the computer-readable medium in column 5, lines 39-50.

As to claims 18-34, these claims are computer-readable medium claims corresponding to the method claims 1-17 respectively, and are rejected for the same reasons set forth in the rejection of claim 1-17 above.

As to claims 35-51, these claims are system claims corresponding to the method claims 1-17 respectively, and are rejected for the same reasons set forth in the rejection of claim 1-17 above.

With respect to independent claim 52, Burakoff teaches a method of accessing at least one data element stored at a source location, the method comprising acts of:

- (A) receiving a request from a user to access the source location, the source location comprising a portion of a file containing the at least one data element, the source location having been identified via an execution of a set of programmed instructions, the file comprising a securities filing (*see column 1, lines 64-67 through column 2, lines 1-3 and column 3, lines 15-28*);
- (B) retrieving an indication of the source location from electronic file storage (*see column 2, lines 4-26*);
- (C) processing the indication to access the source location (*see column 2, lines 27-37*); and
- (D) presenting the at least one data element stored at the source location to the user (*see column 9, lines 30-40 and lines 51-53*).

The examiner is interpreting the computer-readable medium, according to applicant's specification, as non-volatile recording medium, floppy disk, flash memory, or any other suitable tangible medium. Burakoff clearly teaches the computer-readable medium in column 5, lines 39-50.

As to claim 53, this claim is a computer-readable medium claim corresponding to the method claim 52 respectively, and is rejected for the same reasons set forth in the rejection of claim 52 above.

As to claim 54, this claim is a system claim corresponding to the method claim 52 respectively, and is rejected for the same reasons set forth in the rejection of claim 52 above.

Response to Arguments

Applicant's arguments, see pages 12-16, filed this January 17, 2007, with respect to 35 U.S.C 101 have been fully considered and are persuasive. The 35 U.S.C. 101 rejection of claims 1-51 has been withdrawn.

Applicant's arguments with respect to claims 1-54 as they pertain to 35 U.S.C. 102 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action

and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared M. Bibbee whose telephone number is 571-270-1054. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMB *JMB**Amor*
Amor
SP1 TC2100